IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.435 OF 2007
IN
WRIT PETITION NO.515 OF 2000

...

Shri Subramanian G. & Ors. ...Petitioners
v/s.
Shree Priyatam Dharam Sabha
Trust & ors. ...Respondents.

...

Ms.Deepa Puhuja i/b Veena Thadani for the Petitioners.

Mr.G.K.Masand for Respondents Nos. 1 & 2.

Mr.C.W.Mattos, AGP for Resondents Nos. 3 to 5.

...

CORAM: D.K.DESHMUKH, &
R.G.KETKAR, JJ

DATED: 17th August, 2009

P.C.:

By consent of parties, motion is granted in terms of prayer clause (a). Motion disposed of.

(D.K.DESHMUKH, J.)

(R.G.KETKAR, J.)

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1. By consent of parties, the petition is heard finally.

2. It appears that it is an admitted position that the school where the Petitioners are working is a recognised private school within the meaning of Maharashtra Employees of Private Schools Act. It is obvious that, therefore, the conditions of services of the employees including their pay are governed by the provisions of the Act. The grievance of the Petitioners is that they are not being paid in accordance with the law. They claim that they are entitled to payment according to scale fixed under the 5th Pay Commission.

3. In our opinion, however, it will not be appropriate to investigate the controversy at this stage, because the Respondent No.2-Director of Education is the controlling authority under the Act and it is for the Director of Education to see that the

teachers working in the recognised school receive their pay and salary in accordance with law. In our opinion, therefore, following order would meet the ends of justice.

O R D E R

(i)Within a period of eight weeks from today, in case the Petitioners make an application to the Respondent No.3-Director of Education giving full details about the payment being made to them as also indicating what is the payment to which they are entitled under the law, the Director of Education shall decide that representation and make order thereon directing the Management to make payment in accordance with his order. The Director of Education has power to

make such direction under sub-section 3 of Section 4 of the Act.

(ii) The Director of Education, of course, shall make such direction after granting an opportunity of being heard to the Management.

(iii) The Director of Education shall decide entitlement of the Petitioners for payment in accordance with law that may be in force today and make orders thereon.

(iv) Till Director of Education makes the order and communicates it to the parties, the interim order which is presently operating shall continue to operate.

(v) Petition disposed of.

(D.K.DESHMUKH, J.)

(R.G.KETKAR, J.)